

IN THE CLAIMS

The following listing of claims will replace all prior versions and listings of claims in the instant application. The present status of each claim is indicated in parentheses following the claim number. An instruction line precedes each claim that is amended, cancelled, or added by the instant paper.

1-41 (CANCELLED)

Please amend claim 42 as follows:

42. (CURRENTLY AMENDED) ~~The~~ An isolated or purified *aa*
~~nucleic acid of claim 43, wherein said~~
~~nucleotide encoding a polypeptide having the amino acid~~
~~sequence is of SEQ ID NO:7-8, said amino acid sequence~~
comprising at least one immunogenic epitope. *A*

Please amend claim 43 as follows:

43. (CURRENTLY AMENDED) ~~A~~ The nucleic acid comprising a *NA*
~~nucleotide sequence encoding a polypeptide comprising~~
~~the amino acid of claim 42, wherein said nucleic acid~~
~~sequence comprises nucleotides~~ 10-1332 *Support for 5' splice* *of 5' splice*
~~of SEQ ID NO:8.~~

~~said amino acid sequence having at least one
immunogenic epitope.7.~~

Please **amend** claim 44 as follows:

44. (CURRENTLY AMENDED) The nucleic acid of ~~claim~~
~~43,~~claim 42, wherein said nucleic acid is an isolated
nucleic acid.

Please **amend** claim 45 as follows:

45. (CURRENTLY AMENDED) The nucleic acid of ~~claim~~
~~43,~~claim 42, further comprising an expression control
sequence operably linked to said nucleotide sequence.

Please **amend** claim 46 as follows:

46. (CURRENTLY AMENDED) The nucleic acid of ~~claim~~
~~43,~~claim 42, wherein said expression control sequence
comprises a promoter.

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Should be in claim 45
Please **amend** claim 47 as follows:

47. (CURRENTLY AMENDED) The nucleic acid of claim
43, claim 42, wherein said expression control sequence
comprises an enhancer.

Please amend claim 48 as follows:

48. (CURRENTLY AMENDED) A method of preparing a
polypeptide comprising a carboxy-terminal portion of
the heavy chain of botulinum neurotoxin serotype B
having at least one immunogenic epitope, comprising:
transfecting a cell with a nucleic acid comprising a
~~nucleotide sequence~~ encoding a polypeptide
comprising the amino acid sequence of SEQ ID
NO:8, said amino acid sequence having at least
one immunogenic epitope; and
culturing the transfected cell under conditions
wherein the nucleic acid is expressed,
wherein the cell is selected from the group consisting
of a gram negative bacteria, a yeast, and a mammalian
cell.

49. (PREVIOUSLY AMENDED) The method of claim 48, further
comprising recovering from said transfected cell at

insoluble protein
P89
line
6

least one insoluble polypeptide comprising the amino acid sequence of SEQ ID NO:8, said amino acid sequence having at least one immunogenic epitope.

50. (PREVIOUSLY ADDED) The method of claim 48, wherein said organism is *Escherichia coli*.
51. (PREVIOUSLY ADDED) The method of claim 48, wherein said organism is *Pichia pastoris*.
52. (CANCELLED)

Please **amend** claim 53 as follows:

53. (CURRENTLY AMENDED) A method of ~~preparing~~isolating an immunogenic ~~composition comprising a~~ polypeptide comprising the amino acid sequence of SEQ ID NO:8, said amino acid sequence having at least one immunogenic epitope, comprising:
- 10aa
5
10aa

culturing a cell transfected with an expression vector comprising a nucleic acid ~~comprising a~~ ~~nucleotide sequence~~ encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:8, said amino acid sequence having at least

one immunogenic epitope under conditions wherein
the nucleic acid is expressed; and

~~recovering~~isolating from said transfected cell at
least one insoluble polypeptide comprising the
~~amino acid sequence of~~ (SEQ ID NO:8), said amino
acid sequence having at least one immunogenic
epitope,

*internally
inconsistent*

wherein the cell is selected from the group consisting
of a gram negative bacteria, a yeast, and a mammalian
cell and wherein the recovered polypeptide is
immunogenic.

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54. (CANCELLED)

Please **amend** claim 55 as follows:

55. (CURRENTLY AMENDED) The nucleic acid of ~~claim~~
~~43~~claim 42, wherein the AT content is less than about
70% of the total base composition.
56. (PREVIOUSLY AMENDED) The nucleic acid of claim 55,
wherein the AT content is less than about 60% of the
total base composition.

57-81 (CANCELLED)

82. (PREVIOUSLY AMENDED) A recombinant host cell
comprising the nucleic acid of claim 45.

83-84 (CANCELLED)

85. (PREVIOUSLY AMENDED) The recombinant host cell of
claim 82, wherein said polypeptide is at least 0.75%
(w/w) of the total cellular protein.

86. (PREVIOUSLY AMENDED) The recombinant host cell of
claim 85, wherein said polypeptide is at least 20%
(w/w) of the total cellular protein.